

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Sixth Judicial District Court, County of Park

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-00-097
-vs-)	
)	DECISION
DAVID A. PLUM,)	
)	
Defendant.)	

On December 5, 2016, the District Court revoked the Defendant's suspended sentence for violations of his conditions and sentenced the Defendant to five (5) years at the Montana State Prison, for the offense of Sexual Assault, a Felony, in violation of §45-5-502(1)(3), MCA. The Court ordered the Defendant to complete Phases I and II of the Sexual Offender Treatment program prior to his release from MSP and remains a Level III Sex Offender. The consecutive sentence in Cause No. DC-14-597 was not revoked. The Court granted credit for time served in the amount of 77 days as of December 5, 2016.

The District Court further recommended that the Defendant be evaluated for chemical dependency treatment in the ITU; that the Defendant complete Phase 1 and Phase 2 sexual offender treatment in the ITU and that Phase 3 be completed in a community setting; that the Defendant be screened for other mental health issues such as post-traumatic stress disorder; and that the Defendant, upon release from MSP, be placed in a pre-release facility followed by ISP, which was requested by the Defendant; and that the Defendant be subject to the rules of supervision set forth in the March 30, 2001 Judgment during all periods of supervision.

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4th day of May, 2017.

DATED this 2 day of June, 2017.

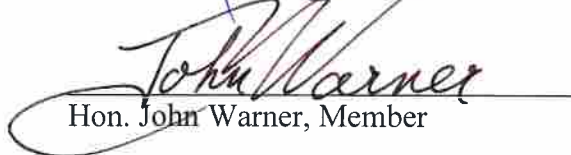
SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



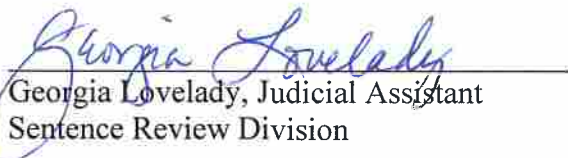
Hon. Kathy Seeley, Member



Hon. John Warner, Member

Copies mailed this 2nd day
of June, 2017, to:

Clerk of District Court (Original)
David A. Plum #45666, Defendant (2)
Hon. Brenda Gilbert
Brent Getty, Defense Counsel
Tara M. Depuy, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division